

REGULAR MEETING MINUTES
JUNE 24, 2021

1. CALL TO ORDER & ORDERS OF THE DAY

ROLL CALL

PRESENT: Chair Karen Parsons, Vice Chair Ron Cabanayan, Commissioners, David Hook, and Timothy Kenny.

ABSENT: None.

STAFF: Board Secretary Karla Caceres, Finance Department Program Manager Richard Eng, Finance Department Accounting Tech Xotchil Perez, SJPd Permits Staff Specialist Diana Martinez, Deputy City Attorney Vance Chang and Senior Deputy City Attorney Rosa Tsongtaatarii.

CALL TO ORDER

Chair Parsons convened the Appeals Hearing Board at 6:44 p.m. virtually via zoom, <https://sanjoseca.zoom.us/j/99710258353>

2. OPENING REMARKS AND APPROVAL OF MINUTES

APPROVAL OF MINUTES

Documents Filed: Draft Meeting Minutes from Appeals Hearing Board Regular Meeting on March 25, 2021.

Action: Upon motion by Commissioner Hook, seconded by Commissioner Kenny, the minutes for March 25, 2021 was approved. (4-0).

3. REQUEST FOR DEFERRALS

There was no request for deferrals.

4. CONSENT CALENDAR

No items on the Consen Calender.

5. DEFERRED AND/OR CONTINUED ITEMS

a. SPECIAL ASSESSMENTS AND LIENS FOR DELINQUENT RESIDENTIAL SOLID WASTE COLLECTION SERVICE CHARGES

Documents Filed: Notice of Public Hearing and Report of Delinquent Residential Solid Collection Service Charges, Late Charges and Administrative Fees and Charges dated May 20, 2021.

Action: Richard Eng, Program Manager, from the Finance Department provided an updated report of the accounts in a delinquent status as of 5:00 pm, June 24, 2021.

Upon motion by Commissioner Kenny, second by Commissioner Hook and carried unanimously, to adopt a resolution to confirm the special assessment report of the Director of Finance and the delinquent Residential Solid Waste Collection Service Charges, Late Charges and Administrative Fees and Charges, and to place a special assessment and secure a lien in the amount listed in the updated report as of June 24, 2021 at 5:00 p.m. (4-0)

6. PUBLIC HEARINGS

a. APPEAL OF DENIAL OF PAWNBROKER LICENCE

Documents Filed:

By SJPD Permits Unit

1. Appeal Hearing Brief
2. Attachment 1- San Jose Municipal Codes
3. Attachment 2- Hearing Officer's Decision for Pawnbroker permit
4. Exhibits

By Appellant Attorney Brett D. Beyler

1. R&J Appeal Board Brief
2. Exhibit 1
3. Exhibit 2
4. Exhibit 3
5. Exhibit 4
6. Exhibit 6
7. Exhibit 7

Action: The Board conducted a public hearing on the appeal of Deputy Chief's decision dated May 5, 2021 to sustain the Chief of Police's intended decision to deny the renewal of the Pawnbroker Permit for R&J Jewelry & Loan. The owner Janis Schneider was present with her attorney Brett Beyler. San Jose Police Department Permit staff Diana Martinez was also present with Deputy City Attorney Vance Chang. Each party presented their case with

opportunity to ask and respond to questions regarding the facts underlying the denial and appeal. The Board closed public hearing. Section 303 of the Resolution of the San Jose Appeals Hearing Board Rules and Regulations (Resolution No. 14-65) requires a quorum of four (4) members to do business. A motion to sustain the appeal failed on a vote of 3-1-0 (Aye-Noe-Absent). The appeal before the Board was first heard by an intermediate administrative hearing officer and the burden of proof is on the appellant under Section 406 of the Rules and Regulation. The Board did not take action to sustain the appeal, and the Deputy Chief's decision dated May 5, 2021 to sustain the Chief of Police's intended decision is final.

7. REQUEST FOR EXCUSED ABSENCE

Vice Chair Cabanyan requested n excused absance for June 10, 2021 meeting.

8. OTHER BUSINESS

There was no other business.

9. PUBLIC COMMENT

There was no public testimony on the floor.

10. ADJOURNMENT

Upon a motion by Commissioner Kenny, seconded by Chair Parsons, and carried unanimously, the Hearing was adjourned at 9:11 p.m. (4-0)